

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 2, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, and Councilmembers Caletka, Paul, and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Damiano Pignato, 6920 SW 56 Court, thanked Council for their vote on the Wal-Mart issue and agreed the Town needed responsible commercial development to balance the tax base. He felt the Town needed more police officers on the streets and noted that the Town's police force did a great job.

Robert Belizaire, the Treasurer of Firefighters' Union Local 2315, explained that the Town's firefighters were without a contract after almost a year of negotiations. Mr. Belizaire said the Town's Fire Department was used as a career "stepping stone" and explained that the firefighters would work for the Department for a short while and then transfer to another Department that paid much better. Mr. Belizaire stated that his union wanted the Town to contribute the same 75% to the firefighter's pension as they were contributing to the police pensions. He advised that the union was requesting that Council meet with the Union's Executive Board to discuss several issues, including one investigation into the health care insurance and another into Fire Administration. Mr. Belizaire said the Department's morale was "at an all-time low" and the Department's pay was very low compared to other departments. He objected to the hiring of eight chiefs from outside the Department, overlooking their own members.

Barbara Tilley, 1921 SW 87 Avenue, gave an update regarding the Sunrise water lawsuit. She informed Council that residents in Phase 1 of the project who had not signed the Sunrise easement had been receiving summonses from the circuit court. Ms. Tilley read a consent letter she had drafted for residents to submit in response.

Joe Puleo, 13215 Hanover Lane - Palm Beach Gardens, explained that he was the staff Representative of Florida State FOP, representing civilian employees in Davie. He stated that Human Resources Director Mark Alan and Acting Town Administrator Ken Cohen had a "lack of interest" in the Town's employees and union contract. After working for 15 months, Mr. Puleo said they had finally obtained a contract, but Mr. Alan and Mr. Cohen did not reply to grievances, and Mr. Puleo had sent a letter to Council to this effect, explaining that he would no longer deal with Mr. Alan or Mr. Cohen. Mr. Puleo informed Council that he would continue to file grievances against the Town for unfair labor practices, which would cost the town for outside counsel and arbitration.

Judy Nesbitt agreed with Mr. Puleo and read from Article 7.6.3 of the Grievance Procedures, which stated that grievances must be discussed between the union representative and town administrator or a designee within 10 working days, and a response rendered within another 10 days. She advised that these meetings were not taking place. Ms. Nesbitt indicated that employees also wanted to know when the pension enrollment paperwork would be available.

Richard Weiner requested that Council enact an ordinance that would allow the Town to waive permit fees for hurricane-related building permits. Mr. Cohen explained that the Town could only waive their own fees and indicated that the Broward County Commission must address the County fees. Mr. Weiner's idea was to waive the fees for residents who could prove their homes suffered windstorm or hurricane damage.

Mr. Weiner agreed with Mr. Belizaire's comments and asked Council to provide the firefighters with a contract.

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John LaDue said that he was concerned about his property's privacy. He stated that the walkway was still located behind his property and GL Homes was finishing up, but had never installed the berm they had promised on his side of the street. Councilmember Starkey advised that GL had promised to install the berm and the Town would use bond money to lower the berm later on. Mayor Truex asked Mr. Cohen to "hold their feet to the fire and move that along."

Mayor Truex advised that staff had requested that items 6.2 and 6.5 be tabled to August 16, 2006.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table item 6.2. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka objected to tabling item 6.5 and wanted to deny the project. Councilmember Starkey said that Mr. Dupont was scaling the project down and wanted time to re-present the project to the homeowners association.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table item 6.2. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex stated that item 4.4 was withdrawn. Councilmember Starkey noted that it appeared that the company had been inactive prior to Council's approval in 2004. She wanted to be sure that the company complied with the current Code.

Mayor Truex announced that item 4.11 needed to be added to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex stated item 8.5 needed to be added to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. June 21, 2006 (Regular Meeting)
- 4.2. June 22, 2006 (Workshop Meeting)
- 4.3. July 5, 2006 (Regular Meeting)

Resolutions

- 4.4. **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND SWIMAMERICA SERVICES FOR PROVISION OF AQUATICS PROGRAM SERVICE. (\$12,000/year revenue)**
R-2006-210

- 4.5. **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 WITH TANKTEK/ENVIROTEK ENVIRONMENTAL & CONSTRUCTION SERVICES, INC. TO REMOVE AND ADDITIONAL 264 TONS OF ARSENIC CONTAMINATED SOIL AFTER TESTING WAS PERFORMED AT "MATH IGLER PARK" AS DESCRIBED IN THE CHANGE ORDER. (\$15,840)**
R-2006-211

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- 4.6. **BID - A RESOLUTION OF THE TOWN OF DAVIE ACCEPTING THE BID FOR AN INCLUSIVE PLAYGROUND (BID #06-20). (Playscapes Enterprises - \$158,241.47)**
R-2006-213
- 4.7. **WESTRIDGE PARK - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING WETLAND CREATION AT WESTRIDGE PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR STAFF DESIGNEE TO NEGOTIATE A WETLAND MITIGATION AGREEMENT.**
R-2006-212
- 4.8. **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING SUBMISSION OF THE TOWN OF DAVIE'S GRANT APPLICATION FOR 2005 CDBG DISASTER RECOVERY FUNDS TO BROWARD COUNTY, WHO MUST COLLECTIVELY SUBMIT AN APPLICATION REPRESENTING ALL MUNICIPALITIES, TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA); AND, AUTHORIZING THE TOWN'S DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT TO ACT ON BEHALF OF THE TOWN IN ALL MATTERS RELATED TO THE GRANT APPLICATION PROCESS, TO PREPARE ALL NECESSARY GRANT DOCUMENTS, HOUSING PLANS, PROGRAMS AND PROJECTS, NECESSARY FOR THE IMPLEMENTATION OF DISASTER RECOVERY HOUSING INITIATIVES. (\$3,309,741 grant with no local match requirement)**
R-2006-213
- 4.9. **SOLID WASTE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**
R-2006-214
- 4.10. **INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE HUMAN RESOURCES MANAGEMENT DIRECTOR TO NEGOTIATE A PROPERTY & CASUALTY INSURING AGREEMENT WITH THE FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) THAT PROVIDES FOR PROPERTY, AUTO LIABILITY, GENERAL LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGES TO BE EFFECTIVE OCTOBER 1, 2006 AND THEREAFTER TO PROVIDE FOR CONTINUING INSURANCE PROTECTION FOR THE TOWN OF DAVIE AND ITS EMPLOYEES AND TO PRESENT THE RESULTING CONTRACT TO THE TOWN COUNCIL FOR SIGNATURE BY THE MAYOR.**
- Item to be added*
- 4.11. **A RESOLUTION BY THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATE TO BE LEVIED FOR OPERATING PURPOSES AND FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007.**
R-2006-215

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Councilmember Paul pulled items 4.7 and 4.10 from the Consent Agenda. Councilmember Caletka pulled items 4.8 and 4.9. Mayor Truex pulled item 4.11.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda minus items 4.7, 4.8, 4.9, 4.10 and 4.11. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.7 Councilmember Paul objected to locating a wetland next to a road because she feared birds of prey could be killed in traffic. She indicated that she had also heard a rumor that the Rodeo Village property was for sale. John Voigt, representing the applicant, responded that Rodeo Village was going forward with their project and advised that they were looking for additional capital.

Councilmember Starkey had objections to the wetland's location. She was concerned that locating the wetland at the proposed location would require moving 22 large oak trees and said they were considering other options. Councilmember Starkey felt that moving the wetland to the east was a better alternative and she wanted to reconsider the design and location.

Vice-Mayor Crowley had the same concerns and would like to see the wetland moved. Mr. Cohen said they hired outside consultants for advice regarding the wetland and explained that this project was in response to Council's desire to mitigate wetlands in Davie. He indicated that Council could deny approval of this item and they would return at a later date with another plan. Vice-Mayor Crowley felt Council could approve creation of the wetland, subject to further discussion regarding the location. Councilmember Starkey indicated that Council should include the requirement for a new location and a new site plan, and exclude all the exhibits "as the proposed."

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve with the exception of the exhibits and the location next to Nob Hill. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Caletka thanked Housing and Community Development Director Shirley Taylor-Prakelt for her efforts.

Councilmember Caletka made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Councilmember Caletka was disappointed that the Town was seeking an increase in waste fees. He wanted to be sure that when the contract expired, it would be put out to bid again.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, with Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 4-1)

4.10 Councilmember Paul didn't believe that the first firm selected was the lowest bidder and wanted to know the rationale used for the ratings. Mr. Cohen explained that the difference between the two lowest bids had been negligible and they had selected the larger organization of the two, believing it to be more stable.

Vice-Mayor Crowley asked why the RFP was combined. Mr. Cohen explained that it was easier to communicate with one company.

Councilmember Paul remarked that the staff felt SERMA had already worked well and questioned if the bids were taken because SERMA's contract expired. Mr. Cohen stated that Council had directed staff to bid it out.

Councilmember Starkey was concerned that Risk Manager Dan Lutzke, who served as Serma's registered agent, had also served on the bid selection committee. Mr. Cohen advised that Mr. Lutzke was the foremost authority on insurance, so they wanted him on the committee. He added that Mr. Lutzke had not voted for SERMA.

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Vice-Mayor Crowley wanted to hear from representatives of Public Risk Insurance Agency [PRIA].

Brian Cottrell, President of Public Risk Insurance Agency, explained that Preferred Governmental Insurance Trust was one of the largest in Florida, writing over \$100,000,000 in annual premiums. He stated that the premiums were based on a property rate guesstimate, not an actual quote they had prepared and added that he hoped to have a firm quote within two weeks. Mr. Cottrell agreed that they would be willing to write the worker's compensation portion only for the quoted price.

Alan Flores, Public Risk Insurance Agency, wanted Council to know that they were on par, in terms of size, with the League of Cities, and were backed up by Brown and Brown Insurance, the sixth-largest broker in the country. He felt his company offered the same services and quality for a lower premium.

Chuck Wooley, Florida League of Cities [FLC], pointed out that FLC's FMIT quote had a zero deductible and PGIT's quote had a \$10,000 deductible. He noted that there were other portions of the quote where this applied as well. Mr. Wooley said that FLC could adjust their deductibles and this would lower their premiums.

Human Resources Director Mark Alan explained the reasons for the differences in deductibles. Mr. Cohen said the bids had been received at different times, with different deductibles, so they could not be compared. Mr. Alan stated that the RFP said the Town preferred a zero deductible. He pointed out that the RFP stated the Town would reserve the right to choose from the different coverages or to select none.

Councilmember Caletka felt the Town should do what was in their best financial interest, including "mixing and matching" from the different vendors. Mayor Truex agreed, but told Mr. Cohen that Council should be provided with comparable data on which to base decisions. Mr. Alan provided a breakdown comparison with a \$10,000 deductible.

Mr. Wooley did not agree with Councilmember Caletka that coverage could be split among companies and said they would not write the other business without the worker's compensation to support it.

Councilmember Paul felt Council should look at the quotes again and consider the item at the next meeting. Mayor Truex agreed. Vice-Mayor Crowley said Council should stick with the RFP results and let staff return with a recommendation.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table this item to August 16, 2006. In a voice vote, with Councilmember Starkey and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

Vice-Mayor Crowley wanted to reevaluate the Town's health insurance coverage. Mr. Cohen advised that this presented different issues as employees' choices of doctors could be affected. He remarked that the Town's health insurance was working well at the moment and would not benefit from bidding.

4.11 Mr. Cohen stated staff wanted to set the tentative millage rate as the existing rate. Budget and Finance Director William Underwood explained that this was a "purely administrative function" to set the proposed rate that would be displayed on the TRIM notices. The tentative rate would be set at the Council meeting scheduled for September 6th.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the proposed rate and to announce the first public hearing on September 6, 2006 at 6:30 p.m. at Davie Town Hall. In a voice vote, all voted in favor. (Motion carried 5-0)

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6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1. **RETIREMENT PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN
2006-21 COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF
DAVIE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND
GENERAL EMPLOYEES; AMENDING THE DEFINITION OF MANAGEMENT
EMPLOYEE TO EXCLUDE DEPUTY AND ASSISTANT FIRE AND POLICE
CHIEFS; PROVIDING FOR CONTINUATION OF EXISTING MEMBERS;
PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND
PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading July 17, 2006
- all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - out of the room; Councilmember Caletka - no; Councilmember Paul - yes Councilmember Starkey - yes. (Motion carried 3-1)

Resolutions

- 6.2. **CAPITAL PROJECTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF
DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from July 5, 2006)

This item was tabled earlier in the meeting.

- 6.3. **ACTION PLAN** - RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-216 ADOPTING THE FY 2006/07 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) ACTION PLAN WHICH INCLUDES THE CDBG PROGRAM BUDGET;
AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY
CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING
MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY
BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO
NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT
OF THE PLAN; AUTHORIZING REFORMATTING OF THE ACTION PLAN IS
REQUESTED BY HUD; AND AUTHORIZING SUBMISSION OF THE ACTION
PLAN TO HUD.

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Ms. Taylor-Prakelt explained that this application was made to HUD each year to continue the programs the Town had initiated. She noted that competition for the funding had increased and as a result, the Town's portion was lower this year and subsequently, she had to reduce programs. Ms. Taylor-Prakelt explained that in order to acquire the building for the Neighborhood Service Center One Stop Shop, the Town would front the money and the grant would repay the Town over a few years' time. She said that the Town-owned building would provide a way for not-for-profits to operate rent-free.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes Councilmember Starkey - yes. (Motion carried 5-0)

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Ordinance - First Reading (Second and Final Reading to be held on August 16, 2006)

- 6.4. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 24, CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", BY AMENDING ARTICLE I THEREOF, ENTITLED "IN GENERAL", BY AMENDING SECTION 24-3 THEREOF ENTITLED "PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES", SEC. 24-3 (B) & (D) BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on August 16, 2006.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey was in favor of the ordinance and wanted to amend the language under (B) to include "... Town staff may use motorized vehicles along the C-11 Canal for *official Town business, public safety access, park maintenance...*" and under (D) where bike paths and the horse trail were mentioned, she wished to add "*official Town business, public safety access...*" Mr. Cohen had no objection to these changes.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve with the amended language. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes Councilmember Starkey - yes. (Motion carried 5-0)

Quasi Judicial Item

- 6.5. **VARIANCE** - V 7-3-05, DuPont, 3344 Meadowbrook Way (tabled from June 7, 2006)

Planning and Zoning Board recommended denial

This item was tabled earlier in the meeting.

7. APPOINTMENTS

- 7.1. Mayor Truex

7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

7.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.1.3. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.4. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

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- 7.2. Vice-Mayor Crowley
7.2.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Vice-Mayor Crowley appointed Dan Pignato.

- 7.3. Councilmember Caletka
7.3.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.3.2. Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 24, 2006 to May 22, 2007) (member must be a resident and qualified voter; **nominations require Council approval**)

Councilmember Caletka made a motion, seconded by Councilmember Paul, to appoint Dr. Phillip Busey. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes Councilmember Starkey - yes. (Motion carried 5-0)

- 7.4. Councilmember Paul
7.4.1. District Boundaries Review Committee (one exclusive appointment from the respective Councilmember's district; term expires upon submittal of recommendation to the Town Council) (members shall be a registered voter)

No appointment was made.

- 7.5. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

- 8.1. Davie Police and Fire Memorial - Councilmember Starkey, Fire Chief Don DiPetrillo, and Police Chief John George

Councilmember Starkey advised that a resolution was needed to spend the remaining funds to construct the Police/Fire Memorial and indicated that the funds had been raised over the past two years, which now totaled over \$200,000. She hoped that the statue would be completed by September 1, 2006 and provided a rendering of the statue and other documentation, including an accounting of financial expenditures for Councilmember Caletka's benefit. She explained that a resolution was needed to disburse the remaining funds, due to new procurement procedures. Chief DiPetrillo provided an update on the construction and noted that he was not sure they could meet the September 11, 2006 deadline.

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R-2006-217 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXPENDITURES FROM THE DAVIE POLICE AND FIRE MEMORIAL FUND FOR THE PURPOSE OF COMPLETING THE POLICE AND FIRE MEMORIAL PROJECT IN AN AMOUNT NOT TO EXCEED THE CONTRIBUTIONS THAT HAVE BEEN RAISED FOR THE POLICE AND FIRE MEMORIAL.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.2. “Building Bridges” - Councilmember Paul

Councilmember Paul gave an update on a meeting she had attended with Mr. Cohen regarding enhancing and linking trailways. She advised that the meeting was also attended by representatives from the County, Southwest Ranches, Cooper City, Weston and Pembroke Pines. Councilmember Paul asked Mr. Cohen to make copies of the proposed connection points and amenities to distribute to Council.

8.3. Robbins Lodge Fencing - Councilmember Starkey

Mr. Cohen stated that the project should begin within the next few days and should be safe for horses by the following weekend. He confirmed that staff anticipated a survey by August 3rd, which would determine the south property line. Councilmember Starkey wanted to be sure that the perimeter fence was installed as close to the property line as possible.

8.4. Town Administrator Search - Councilmember Caletka

Councilmember Caletka stated that he wanted to open the search up for more applications. He felt most of the resumes were unimpressive and wanted to find more qualified applicants. Councilmember Caletka advised that the advertisement should be more specific this time and indicated that he was dissatisfied with the performance of the search firm. Councilmember Paul was dissatisfied with the search firm as well. She agreed that the search should continue and Council should pre-approve the advertisement.

Mayor Truex pointed out that some unqualified applicants would always respond to an advertisement, no matter how specific it was. He felt there were five to seven applicants who worth speaking with after the last advertisement. Mayor Truex felt it would be “way beyond odd” to go through the entire process again. Councilmember Caletka noted that the County had re-opened the search for additional applicants from which to select a County Administrator.

Vice-Mayor Crowley felt they had enough qualified applicants to continue the process and begin interviews. Even though the new Administrator would miss the budget process, Vice-Mayor Crowley hoped to hire the new Administrator by the start of the new fiscal year. If Council could not agree on one applicant, Vice-Mayor Crowley would be willing to consider re-advertising. In the meantime, he was willing to consider those applications received that had missed the deadline. Vice-Mayor Crowley suggested they accept additional applications for two weeks, and create the short list in a month.

Councilmember Starkey felt that changing the rules now would make it difficult for Council to achieve their goal. She thought there were enough qualified applicants in the pool already.

Mr. Cohen said he would contact the consultant and inform Mr. Slavin that Council would like him to accept additional applications until August 15th; continue with the background checks he was currently conducting; create a short list of up to ten applicants; be responsive to Council, and attend one of Council’s September meetings.

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8.5. Home Occupational License Update - Development Services Director Mark Kutney

Development Services Director Mark Kutney described the proposed changes to home occupational licenses and indicated that staff was considering an alternate platform for some home businesses. He reminded Council that as of his report to them in February, 1,300 home occupational licenses had been issued, representing 30% of the Town's total occupational licenses. Mr. Kutney felt a third category may be needed requiring Council to grant a special permit for those businesses that "might require some traffic coming to the house," such as music teachers. Mayor Truex felt this would be excessive regulation.

9. NEW BUSINESS

9.1. Broadview Park Interlocal Agreement

This item was not discussed.

9.2. Engagement Letter with Gray Robinson to Amend Town Code relating to Communication and Right-of-Way - Councilmember Starkey

Earlier in the meeting, Councilmember Starkey recommended that Mr. Resnick serve as counsel on this issue, since he had experience in this matter in other municipalities and could accomplish it sooner than Town staff, allowing them to start capturing the revenues from the cable franchises from the rights-of-way.

Gary Resnick, representing Gray Robinson, Attorneys at Law, explained that due to the requests of the communications industry, Florida law had changed and municipalities could no longer require agreements with users of their rights-of-way. Municipalities must now enact code provisions to provide the means to regulate the users of the rights-of-way and collect the revenues. Mr. Resnick informed Council that he was a communications lawyer, and had represented several municipalities throughout Florida. Mr. Resnick had no objection to the changes Mr. Kiar had suggested to the engagement letter.

Mr. Resnick estimated that it would cost approximately \$15,000 for him to perform this service. He felt that if Council enacted the code provisions, vendors must register with the Town and obtain construction permits prior to contracting for services there. Currently, providers could install equipment in the rights-of-way under other parties' construction agreements. Mr. Resnick said the Town would be entitled to \$500 per mile, per user, per year as well as the Communications Services Tax, at the rate of 5.6% of a provider's revenues.

Councilmember Starkey stated that this was a substantial potential revenue stream for the Town, and the Town needed an ordinance to collect it.

Mayor Truex wanted to consider other attorneys for this and Mr. Kiar informed him that he had a few additional references from which they could choose. Council directed that this item be placed on their next agenda.

Councilmember Starkey agreed with Mr. Cohen that the \$15,000 cost cap should be included.

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

EXECUTIVE SESSION. Mayor Truex requested an executive session of Council concerning contemplated litigation with the Seminole Tribe or the Broward Sheriff's Office. Council agreed to convene for this purpose on September 6, 2006 at 6:00 p.m.

RELIGIOUS ORGANIZATION ZONING. Mayor Truex asked Mr. Kiar to determine if the Town should make changes to their ordinances regarding religious organizations' zoning issues. Council agreed.

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VICE-MAYOR CROWLEY

VAN KURT SITE. Vice-Mayor Crowley requested an update on the Van Kirk site

VAN FOR BOYS AND GIRLS CLUB. Vice-Mayor Crowley wanted to add a van to the Capital Project.

COUNCILMEMBER CALETKA

POLICE PATROLS. Councilmember Caletka felt there should be more police patrols on the east side of town.

FIRE ASSESSMENT ADJUSTMENT. Councilmember Caletka stated that Council should reduce the fire assessment by \$1 and roll back the millage rate slightly as well.

COUNCILMEMBER STARKEY

EVERGLADES WORKING GROUP. Councilmember Starkey stated that the Everglades Working Group was concerned that having the school site in the impoundment area would hamper efforts to reduce phosphorus in the C-11 canal. She noted that the users from the Farm Bureau, the Agricultural Board, the Water District, the utility companies, the Sierra Club and Audubon Society all objected to this and would like an alternative site to be selected.

LONG KEY. Councilmember Starkey announced that a groundbreaking ceremony would take place on August 10th at the Long Key Natural Area.

HAPPY BIRTHDAY. Councilmember Starkey wished her daughter a happy birthday.

COUNCILMEMBER PAUL

JUNIOR FBI ACADEMY. Councilmember Paul requested that the Town make presentations to the students who had been involved in the Junior FBI Academy at the next Council meeting.

PETS IN CHAINS. Councilmember Paul wanted to consider an ordinance regarding the chaining of animals.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:22 p.m.

Approved _____

Mayor/Councilmember

Town Clerk